

Service Date: December 6, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA
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IN THE MATTER of James F. Cole dba Montana
Luxury Limo Service, Great Falls, Montana, Application
for a Montana Intrastate Certificate of Public
Convenience and Necessity.

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TRANSPORTATION DIVISION

DOCKET T-00.108.PCN
ORDER NO. 6500

FINAL ORDER

Background

1. On August 18, 2000, the Montana Public Service Commission (Commission) received an application from James F. Cole dba Montana Luxury Limo Service, Great Falls, Montana (Applicant) for a Class B Certificate of Public Convenience and Necessity, authorizing the transportation of passengers in limousine service between all points and places in Great Falls, Montana and a 100 mile radius.

2. Treasure State Transit, Inc. dba Limousines of Helena LLC, Helena, Montana; and Daketokacate, a Partnership Consisting of David, Kevin, Todd, Kendra, Chad & Tenella Wright, Great Falls, Montana filed protests to the application.

3. Following receipt of protests, the applicant amended its application to read "Class B - Passengers in limousine service between all points and places in Great Falls, Montana and a 100 mile radius. Limitation: Transportation movements which originate or terminate within Helena, Montana and 50 mile radius thereof are prohibited." Based on the amended wording in the proposed application, all protests were withdrawn.

Discussion and Findings of Fact

4. Pursuant to Title 69, Chapter 12, Montana Code Annotated (MCA), the Commission supervises and regulates intrastate transportation of passengers. Section 69-12-312, MCA, requires a motor carrier to obtain a Class B certificate from the Commission in order to transport passengers for hire on the public highways in this state. To obtain motor carrier operating authority, a motor carrier must file an application with the Commission, which will give notice of the filing and schedule a hearing upon filing of a protest or a request for hearing. § 69-12-321, MCA.

5. The Commission finds that the agreement of the Applicant to amend the language of the certificate, as set forth herein, resolves Protestants' concerns and that the hearing scheduled for November 2, 2000 in Great Falls, Montana is vacated. The Commission will grant the application, as amended.

Conclusions of Law

1. The Montana Public Service Commission properly exercises jurisdiction

over the parties and matters in this proceeding pursuant to Title 69, Chapter 12, MCA.
2. The Commission has provided adequate notice and opportunity to be heard to all

interested parties in this matter pursuant to the Montana Administrative Procedures Act (MAPA)

requirements for contested case procedures. §§ 2-4-601, et seq., MCA.

3. All protests to this docket were withdrawn based on the amended application filed

by James F. Cole dba Montana Luxury Limo Service.
Order

NOW THEREFORE IT IS ORDERED that the application of James F. Cole dba Montana Luxury Limo Service, Great Falls, Montana for a Class B Certificate of Public

Convenience and Necessity is granted as follows:

Class B -. Passengers in limousine service between all points and places in Great Falls, Montana and a 100 mile radius. Limitation:

Transportation movements which originate or terminate within Helena, Montana and fifty (50) mile radius thereof are prohibited.

DONE AND DATED this 4th day of December, 2000.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order, No. 6500, issued in Docket T-00.108.PCN in the matter of James F. Cole dba Montana Luxury Limo Service,

Great Falls,
Montana has today been sent to all parties listed.

MAILING DATE: December 6, 2000

FOR THE COMMISSION

FIRST CLASS MAIL

James F. Cole
dba Montana Luxury Limo Service
740 32 Avenue NE
Great Falls, MT 59404

Treasure State Transit, Inc.
dba Limousines of Helena LLC
3000 Bozeman
Helena, MT 59601

Daketokacate, a Partnership
Consisting of David, Kevin, Todd, Kendra, Chad & Tenella Wright
1812 10th Avenue South
Great Falls, MT 59401

AS ITS INTERESTS MAY APPEAR

Montana Consumer Counsel
PO Box 201703
Helena, MT 59620-1703

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